

Robert A. Mittelstaedt (#60359)
Craig E. Stewart (#129530)
JONES DAY
555 California St., 26th Floor
San Francisco, CA 94104
Telephone: (415) 626-3939
Fax: (415) 875-5700
ramittelstaedt@jonesday.com

Jane F. Thorpe (*pro hac vice*)
Scott A. Elder (*pro hac vice*)
ALSTON & BIRD LLP
1201 West Peachtree St., NW
Atlanta, Georgia 30309-3424
Telephone: (404) 881-7592
Fax: (404) 253-8875
jane.thorpe@alston.com

Terrence J. Dee (*pro hac vice*)
KIRKLAND & ELLIS LLP
300 North LaSalle
Chicago, IL 60654
Telephone: (312) 862-2099
Fax: (312) 862-2200
tdee@kirkland.com

Attorneys for Plaintiff
CTIA – The Wireless Association®

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CTIA - THE WIRELESS ASSOCIATION®,

Plaintiff,

v.

THE CITY AND COUNTY OF SAN
FRANCISCO, CALIFORNIA,

Defendant.

Andrew G. McBride (*pro hac vice*)
Joshua S. Turner (*pro hac vice*)
WILEY REIN LLP
1776 K Street, N.W.
Washington, DC 20006
Telephone: (202) 719-7000
Fax: (202) 719-7049
amcbride@wileyrein.com

Seamus C. Duffy (*pro hac vice*)
Susan M. Roach (*pro hac vice*)
DRINKER BIDDLE & REATH LLP
One Logan Square, Suite 2000
Philadelphia, PA 19103-6996
Telephone: (215) 988-2700
Fax: (215) 988-2757
seamus.duffy@dbr.com

Case No. 3:10-cv-03224 WHA

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING BRIEFING AND
HEARING SCHEDULE**

RECITALS

1
2 1. On June 18, 2011, this Court approved the parties' stipulation deferring motion
3 practice in this case pending enactment of the City's proposed amended Ordinance and adoption
4 of the accompanying regulations.

5 2. The City's Board of Supervisors enacted the amended Ordinance on July 26, 2011
6 and the Mayor signed it into law on August 3, 2011. Under the San Francisco City Charter, the
7 "effective date" of the amended Ordinance is September 6, 2011. The amended Ordinance
8 requires that, within 15 days of the effective date or as soon thereafter as practicable, the City's
9 Department of Environment ("DOE") adopt implementing regulations specifying the content and
10 format of the required disclosures. Before adopting final regulations, the DOE must give ten
11 days' public notice and hold a hearing.

12 3. The DOE released its draft regulations for public comment on September 16 and
13 has scheduled its public hearing for September 26. The DOE currently expects that it will issue
14 final regulations on September 30. Within 15 days after the final regulations are issued by DOE,
15 cell phone retailers are required by the Ordinance to comply with the requirements to display
16 posters and provide informational factsheets. If the regulations are adopted on September 30 as
17 expected, the compliance date for the display posters and fact sheet will be October 15, 2011.

18 4. For the reasons described more fully in the parties' joint CMC statement filed on
19 June 9, 2011 (Doc. 48), given the short compliance deadlines imposed by the amended
20 Ordinance, the parties do not believe it will be feasible to adopt a schedule for discovery and
21 briefing of cross-motions for summary judgment as was undertaken in regard to the original
22 Ordinance. Instead, it is clear from the deadlines recited above that the parties must litigate some
23 form of preliminary relief on an expedited basis before this Court in the period between the
24 promulgation of the final regulations and the compliance date.

25 5. After meeting and conferring, the parties accordingly propose the schedule below
26 for briefing and hearing of CTIA's motion for preliminary relief. To permit the Court adequate
27 time to hold a hearing and rule before the compliance date, the City agrees to extend the
28 compliance date until October 25, 2011. With respect to the hearing date, the parties request that

the Court set a date that would permit the Court to rule by the extended October 25 compliance date. All counsel are available to appear any day of the week of October 10. Counsel for CTIA respectfully request that, if the hearing is set for the week of October 17, that it be set for October 17 or 19, as already scheduled court appearance dates create conflicts for CTIA's counsel the other days that week.

6. The proposed schedule is premised on the DOE adhering to the expected dates described above for issuing and adopting the draft and final regulations. Should those expected dates change, the parties will promptly meet and confer regarding a modified schedule to propose to the Court.

7. Neither party waives any substantive rights by this Stipulation or the right to seek any form of emergency stay or administrative stay or vacatur of same from this Court or the Ninth Circuit or any individual Circuit Judge or Justice of the Supreme Court.

STIPULATION

Based on the foregoing recitals, the parties stipulate as follows:

1. CTIA will file its amended complaint and motion for preliminary relief by noon on October 4, 2011.
2. The City will file its opposition to CTIA's motion by October 7, 2011.
3. CTIA will file its reply memorandum by October 11, 2011.
4. CTIA's motion will be heard on October 20, 2011 at 8 a.m.
5. The case management conference currently scheduled for October 6, 2011 is vacated.

Dated: September 20, 2011

JONES DAY

By: /s/ Craig E. Stewart

Craig E. Stewart

Attorneys for Plaintiff

CTIA – The Wireless Association®

1 Dated: September 20, 2011

DENNIS J. HERRERA, State Bar #139669
City Attorney
WAYNE SNODGRASS, State Bar #148137
VINCE CHHABRIA, State Bar #208557
Deputy City Attorneys
City Hall, Room 234
#1 Dr. Carlton B. Goodlett Place
San Francisco, California 94102-4682
Telephone: (415) 554-4674
Facsimile: (415) 554-4699
E-Mail: vince.chhabria@sfgov.org

8 By: Vince Chhabria
9 Vince Chhabria

10 Attorneys for Defendant
11 The City And County Of San Francisco,
California

12 IT IS SO ORDERED.

13 Dated: September 26, 2011.

14 
15 WILLIAM H. ALSUP
16 UNITED STATES DISTRICT JUDGE